D.B. CIVIL SPECIAL APPEAL(WRIT) NO.515/2007

(Madan Mohan Ranga & Anr. vs. Administrator, Shri Sardul Pushkaran Sr.Secondary School & Ors.)

DATE OF ORDER:17.05.2007

HON'BLE MR.JUSTICE RAJESH BALIA
HON'BLE MR.JUSTICE BHANWAROO KHAN

Mr.D.P.Sharma, for the appellants

BY THE COURT(PER HON'BLE MR.BALIA J.)

Having heard learned counsel for the appellants, we do not find any merit in this appeal.

The ad interim order was passed in favour of the appellants on 5.5.2005 considering the fact that the calendar fixed for election of the Management Committee of the Institution known as Shri Sardul Pushkarna Senior Secondary School, Bikaner did not in accord with Rule 23(2)(b) of the Rajasthan Non-Government Educational Institutions Rules, 1993 and the voter list has been published only a day before nomination papers were to be filed and election were to be held within 5 days. This voter list was to be finalized after getting objection under Rule 23(2)(b). The minimum period for notice of election to all the members of the electoral college was required to be issued one month before the date of election.

When the matter came up for orders on stay application on 24.4.2007 the learned Single Judge observed that since more than one month has already expired, there was no justification for continuing the ad interim order staying the election of the management committee of the Institution and vacated the interim order. Hence this appeal.

Suffice it to say that it is apparent from the first order passed on the stay application which was by way of ex parte interim relief the primarily consideration was that the calendar of election was not in accordance with Rule 23(2)(b) and since election have not been held as per the impugned calendar of election, the election of the managing committee can now be held only by publishing fresh calendar.

In that view of the matter, there was no justification for not allowing the the election officer to conduct election in accordance with Rule 23(2)(b) by publishing a new calendar for holding the election in accordance with law.

Accordingly, this appeal is hereby dismissed.

(BHANWAROO KHAN) J. **(RAJESH BALIA) J.**

BKS/-